

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAROSLAW WASKOWSKI,

Plaintiff,

Case No. 11-CV-13036

v.

Hon. Mark A. Goldsmith
Magistrate Judge Hluchaniuk

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

Lee Roy H. Temrowski (P31967)
Temrowski & Temrowski
Attorney for Plaintiff
45109 Van Dyke Avenue
Utica, MI 48317
(586) 254-5566

James F. Hewson (P27127)
Hewson & Van Hellemont, P.C.
Attorneys for State Farm
25900 Greenfield Road, Suite 326
Oak Park, MI 48237
(248) 968-5200

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION IN LIMINE TO STRIKE AND
EXCLUDE THE DEPOSITION TESTIMONY OF DR. QUINT**

NOW COMES Defendant, State Farm Mutual Insurance Company, by and through its attorneys, Hewson & Van Hellemont, P.C., and for its Response to Plaintiff's Motion in Limine to Strike and Exclude the Deposition Testimony of Dr. Quint, states as follows:

1. Admit.
2. Admit.
3. Admit.
4. Deny. Defendant affirmatively states that on cross-examination, Plaintiff inquired regarding whether Dr. Quint would be able to give an opinion regarding *any* injury that Plaintiff may have sustained as a result of the motor vehicle accident on December 23, 2009. Dr. Quint responded that he could

not, as he has only had the ability to review diagnostic imaging studies at issue in this case.

5. Deny. The parties have only submitted proposed jury verdict forms.
6. Deny. Although Plaintiff does not provide a legal foundation for his argument, Defendant affirmatively states that the testimony and opinion of Dr. Quint, a board certified neuroradiologist and expert retained to testify regarding the diagnostic imaging studies that Plaintiff intends to introduce at trial, is highly relevant pursuant to FRE 401. Moreover, Dr. Quint's testimony is also proper pursuant to FRE 702, as Dr. Quint will base his opinion on the same diagnostic imaging studies used by Plaintiff's experts, based on reliable and reliably applied principles and methods to this case.
7. Deny. Defendant reiterates its affirmative statements in Paragraph 6.
8. Deny.

WHEREFORE, Defendant, State Farm Mutual Insurance Company, prays that this Honorable Court either STRIKE Plaintiff's Motion as improper pursuant to Fed Rule of Civil Procedure 7(b)(1)(B), for failing to state with particularity the grounds for seeking the order, or DENY Plaintiff's Motion in its entirety.

PROOF OF SERVICE

The Undersigned certifies that a copy of the foregoing instrument was served upon all counsel of record on November 20, 2012.

I DECLARE THAT THE STATEMENT ABOVE IS TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

☐ U.S. Mail ☐ Fax ☐ Email

☐ Hand Delivery ☒ E-Filing ☐ Overnight

Kathleen P. Cahill

Date: November 20, 2012

Respectfully submitted,
Hewson & Van Hellemont, P.C.

By: s/James F. Hewson
James F. Hewson (P27127)
Attorney for State Farm
25900 Greenfield Road, Suite 326
Oak Park, MI 48237
(248) 968-5200
hewson@vanhewpcc.com